

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Marc J. Griffith, et. al.,

CASE NUMBER

CV 17-01504-JFW (ASx)

PLAINTIFF(S)

v.

Law Offices of Sam Chandra, APC, et. al.,

**ORDER RE REQUEST TO PROCEED
IN FORMA PAUPERIS**

DEFENDANT(S)

IT IS ORDERED that the Request to Proceed *In Forma Pauperis* is hereby GRANTED.

Date

United States Magistrate Judge

IT IS RECOMMENDED that the Request to Proceed *In Forma Pauperis* be **DENIED** for the following reason(s):

- | | |
|---|---|
| <input type="checkbox"/> Inadequate showing of indigency | <input checked="" type="checkbox"/> District Court lacks jurisdiction |
| <input type="checkbox"/> Legally and/or factually patently frivolous | <input type="checkbox"/> Immunity as to _____ |
| <input checked="" type="checkbox"/> Other: <u>Fails to State a Claim for Relief</u> | |

Comments:

See attachment

March 1, 2017

Date

/s/ Alka Sagar

United States Magistrate Judge

IT IS ORDERED that the Request to Proceed *In Forma Pauperis* is hereby:

- ☐ GRANTED
- ☒ DENIED (see comments above). IT IS FURTHER ORDERED that:
- ☐ Plaintiff SHALL PAY THE FILING FEES IN FULL within 30 days or this case will be dismissed.
- ☒ This case is hereby DISMISSED immediately.
- ☐ This case is hereby REMANDED to state court.

March 2, 2017

Date

United States District Judge

ATTACHMENT TO REQUEST TO PROCEED IN FORMA PAUPERIS (FORM CV-73)

Marc J. Griffith and Michelle P. Griffith v. Law Offices of Sam Chandra, APC, BSI Financial Services, Entra Default Solutions, LLC, and Does 1 to 10
CV 17-01504-JFW (ASx)

On February 23, 2017, plaintiffs Marc J. Griffith and Michelle P. Griffith filed a Civil complaint for “public law 93-579 Dec. 31, 1974 Violations,” naming as defendants, the Law offices of Sam Chandra, APC, BSI Financial Services, Entra Default Solutions, LLC, and Does 1-10. (“Complaint”) (Docket Entry No. 1). The Complaint alleges that defendants gained access to and disseminated Plaintiffs’ personal information in violation of the Privacy Act, 5 U.S.C. § 522(a). Id. Plaintiffs seek leave to proceed in forma pauperis (Docket Entry No. 2)

“The private right of civil action created by the [Privacy] Act is specifically limited to actions against agencies of the United States Government. The civil remedy provisions of the statute do not apply against private individuals, state agencies, private entities, or state and local officials[.]” Unt v. Aerospace Corp., 765 F.2d 1440, 1447 (9th Cir. 1985) (citations omitted); Dittman v. California, 191 F.3d 1020, 1026 (9th Cir. 1999). Here, while Plaintiffs allege that “Defendants . . . is [sic] an agency within the meaning of 5 U.S.C. § 552a(a)(1),” (Complaint at 2), the Court need not accept this allegation as true. See Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (“[T]he tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions. Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.”); Lazy Y Ranch Ltd. v. Behrens, 546 F.3d 580, 588 (9th Cir. 2006) (The Court “need not accept as true allegations contradicting documents that are referenced in the complaint or that are properly subject to judicial notice.”). Here, documents attached to the Complaint indicate that BSI Financial Services, Inc., is a licensed mortgage servicer and debt collector and the other defendants are private individuals and entities. Accordingly, Plaintiff has failed to state a cause of action over which this Court has jurisdiction and Plaintiffs’ applications to Proceed In Forma Pauperis are DENIED.